

CIVIL NO. 1:08CV274

Defendant.

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On September 12, 2008, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and

conclusions of law in support of a recommendation regarding Defendant's motions to dismiss and for change of venue. The Plaintiffs, who are proceeding *pro se*, and counsel for the Defendant were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 10 days of service of the Recommendation; the period within which to file objections expired on September 29, 2008. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Defendant's motion to dismiss be allowed and the Plaintiffs' action dismissed with prejudice.

IT IS, THEREFORE, ORDERED that the Defendant's motion to dismiss is **ALLOWED**, and Plaintiffs' claims are hereby **DISMISSED WITH PREJUDICE** as preempted by the Carmack Amendment to the Interstate Commerce Act, 49 U.S.C. § 14706.

IT IS FURTHER ORDERED that the Defendant's motion to change venue is **DENIED** as moot.

Signed: October 7, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

